

1 THE GRAVES FIRM  
2 ALLEN GRAVES (SB# 204580)  
3 E-mail: allen@gravesfirm.com  
4 ELIZABETH SULLIVAN (SB# 212482)  
5 E-mail: liz@gravesfirm.com  
6 790 E. Colorado Blvd., 9th Floor  
Pasadena, CA 91101  
Telephone: (626) 240-0575  
Facsimile: (626) 737-7013

7 Attorney for Plaintiff  
8 Jim Swain

9 Keith A. Jacoby (SB #150233)  
10 Michelle B. Heverly (SB #178660)  
LITTLER MENDELSON  
11 50 W. San Fernando Street, 15th Floor  
San Jose, CA 95113  
12 kjacoby@littler.com  
mheverly@littler.com  
(408) 998-4150

13 Attorneys for Defendant  
14 Ryder Integrated Logistics, Inc.

15  
16  
17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19

20 Jim Swain,

21 Plaintiff,

22 v.

23 Ryder Integrated Logistics, Inc. and  
24 DOES 1 through 10, inclusive,

25 Defendants.

26 CASE NO. 3:10-cv-04192-CRB

27  
28 **STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE CASE  
MANAGEMENT CONFERENCE**

The only parties that have appeared in this action, Plaintiff Jim Swain (“Plaintiff”) and Defendant Ryder Integrated Logistics, Inc. (“Defendant”) (collectively, the “Parties”), through their respective counsel, hereby jointly stipulate and request that the Case Management Conference in the above-captioned matter, currently scheduled for October 28, 2011 at 8:30 a.m. be moved to December 16, 2011 at 8:30 a.m.

Good cause for this stipulated request is as follows:

1) On September 7, 2011, the Parties mediated before JAMS mediator Joel Grossman.

2) Although the parties made substantial progress, the September 7, 2011 mediation did not result in a settlement.

3) The Parties anticipate that a further session of mediation may resolve the underlying dispute.

4) The Parties have scheduled a further session of mediation before Mr. Grossman on November 2, 2011.

5) Continuing the Case Management Conference until after mediation has occurred would serve the interests of economy and efficiency.

6) The parties have agreed to the following discovery protocol in advance of the mediation:

- a. Defendant has provided Plaintiff with a list, in excel format, of the locations and dates for which On Board Computer (“OBC”) data is available

b. No later than October 17, Plaintiff will identify a selection of no more than 100 previously produced time records for which Plaintiff requests QBC data.

c. No later than October 21, Defendant will provide in either Excel or hard-copy format the requested QBC records.

- d. No later than October 21, Defendant shall provide Plaintiff any data or documents that were not previously produced and that Defendant plans to use at the November fourth mediation.
- e. Neither Plaintiff nor Defendant will attempt to collect written statements or declarations from any Class Member prior November 2, 2011. After November 2, 2011, both Plaintiff and Defendant agree not to attempt to collect written statements or declarations from Class Members until 30 days after notifying opposing counsel that the party is terminating settlement negotiations.

**IT IS HEREBY STIPULATED:**

The Parties stipulate and respectfully request the Court order as follows: the Case Management Conference in the above-captioned matter is hereby changed from its current date of October 28, 2011 to December 16, 2011. That the new Case Management Conference date shall be treated as the initial Case Management Conference date for the purpose of calculating the deadline for meetings between counsel, initial disclosures, and reports to the Court pursuant Rule 26. The Parties shall follow the discovery protocol as described herein.

DATED: October 13, 2011

LITTLER MENDELSON  
KEITH JACOBY  
MICHELLE HEVERLY

By: /s/ Michele Heverly  
Michele Heverly  
Attorneys for Defendant  
RYDER INTEGRATED LOGISTICS, INC.

1 DATED: October 13, 2011

THE GRAVES FIRM  
ALLEN GRAVES  
ELIZABETH SULLIVAN

4 By: /s/ Allen Graves  
5 Allen Graves  
6 Attorneys for Plaintiff  
7 JIM SWAIN

8  
9 IT IS SO ORDERED.

10  
11 DATED: October 17, 2011

12 By: \_\_\_\_\_  
13 Hon. Charles R. Breyer

